

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**ESTATE OF MATTHEW P. MOSHI,  
DECEASED, QUALITEE MOSHI,  
ADMINISTRATOR  
450 NORTH BRICE ROAD, UNIT 248  
BLACKLICK, OHIO 43004**

**PLAINTIFF,**

**CASE NO.** 2:24-CV-00606

**VS.**

**JUDGE** \_\_\_\_\_

**KIA AMERICA, INC.  
C/O CT CORPORATION SYSTEM  
4400 EASTON COMMONS WAY  
SUITE 125  
COLUMBUS, OHIO 43219**

**DEFENDANT.**

**COMPLAINT  
(JURY DEMAND ENDORSED HEREON)**

**FACTUAL ALLEGATIONS**

1. Plaintiff, Qualitee Moshi, was appointed Administrator of the Estate of Matthew P. Moshi, by the Franklin County, Ohio, Probate Court on January 3, 2024 in Case No. 628287. A copy of the Letters of Authority is attached as Exhibit “A”.

2. Defendant, Kia America, Inc., is a U.S. corporation incorporated in the State of California, which manufactures, services, sells and leases Kia motor vehicles in the United States, including Franklin County, Ohio.

3. Prior to November 25, 2023, Defendant, Kia America, Inc., knowingly manufactured and sold millions of Kia motor vehicles which contained design flaws, collectively referred to herein as the “Theft Prone Defect”, which allow thieves to steal them in less than ninety seconds, including:

- a. steering columns that do not contain adequately secure collars or casings, allowing easy access to the ignition assembly;
- b. ignition lock cylinders that do not have a locking mechanism and can therefore be easily removed with minimal force, and leaves the ignition switch intact;
- c. the exposed ignition switch can be started with any set of pliers or a USB connector;
- d. the vehicles do not contain engine immobilizers, an anti-theft device that can prevent vehicles from starting unless a verified code is received by a transponder module that controls the engine and prevents the engine from being “hotwired” or started by any means other than an authorized key.

4. Information about the Theft Prone Defect has been widely circulated in the news media, internet, and social media and this information has been widely available and known to thieves and potential thieves, including minors, and unlicensed and incompetent drivers.

5. As a consequence of the existence of the Theft Prone Defect in Kia vehicles and the very public knowledge of how to exploit it, thefts of Kia vehicles have become rampant in the United States, including Ohio, for purposes of theft, commission of crimes, and simply for high-speed joy rides, usually resulting in property loss, injuries and deaths.

6. On or about November 25, 2023, a 2018 Kia Optima owned by Daniel Clifford, a resident of Columbus, in Franklin County, Ohio, was stolen by means of the Theft Prone Defect and driven at high speed through a stop sign at the intersection of Beacon Hill Road and Hilliard Rome Road where it forcefully crashed into a 2009 Honda Civic owned and driven by Plaintiff’s decedent, Matthew Moshi, age 36, who was critically injured and killed.

## **LIABILITY ALLEGATIONS**

7. **DUTY** – Defendant had a duty under Ohio common law and statutory law to promptly remedy the design flaws collectively referred to as the “Theft Prone Defect” (TPD) since it was and is clearly foreseeable and has been proven that the TPD in Defendant’s vehicles causes great harm to the public and individual citizens by weaponizing them for criminal use. Under the totality of the circumstances, it has become overwhelmingly clear that a reasonably prudent person or company would have anticipated that harm to persons and property were likely to result from Defendant’s conduct. Further, Defendant has been in the best position to permanently remedy the design flaws at relatively minor cost by modifying their design and implementing recalls, as other vehicle makers have done.

8. **NUISANCE** – Defendant’s conduct as described in paragraphs one (1) through six (6) created a private and public nuisance under Ohio common law and statutory law, both absolute and qualified.

9. **NEGLIGENCE** – Defendant’s conduct as described in paragraphs one (1) through six (6) has been negligent under Ohio common law by failing to take adequate measures to remedy the design flaws of the TPD, failing to implement prompt and thorough recalls, and failing to take prompt action to educate, inform and warn the public, as well as make available means and methods of preventing thefts.

10. **PRODUCT LIABILITY** – Defendant’s conduct as described in paragraphs one (1) through six (6) violated Federal Motor Vehicle Safety Standards (FMVSS) and the Ohio Product Liability Statute, R.C. 2307.71, et seq., when it manufactured, distributed and sold Kia vehicles, including the one identified in paragraph five (5):

- a. that was defective in manufacture or construction as described in section 2307.74 of the Revised Code;
- b. that was defective in design or formulation as described in section 2307.75 of the Revised Code;
- c. that was defective due to inadequate warning or instruction as described in section 2307.76 of the Revised Code;
- d. that was defective because it did not conform to a representation made by its manufacturer as described in section 2307.77 of the Revised Code.

### **DAMAGES ALLEGATIONS**

11. **SURVIVORSHIP** - As a direct and proximate result of the conduct of Defendant, Plaintiff's decedent, Matthew Moshi, from the moment of impact through the time of his death, suffered severe physical pain, mental anguish, shock, and emotional distress, as well as the loss of the use of the affected areas of his body and the quality and enjoyment of his life.

12. **WRONGFUL DEATH** - As a direct and proximate result of Defendants' conduct Matthew Moshi died on November 27, 2023 due to injuries and complications suffered as a result of the incident described in paragraph five (5). As a consequence of the wrongful death of Matthew Moshi, his estate and next of kin have suffered and will continue to suffer the damages and losses set forth in Ohio Revised Code Section 2125.02, including, but not limited to grief, mental anguish, loss of support and prospective inheritance, loss of society, companionship, consortium, care and guidance. Said damages and losses are permanent.

**WHEREFORE**, Plaintiff, Estate of Matthew Moshi, now demands judgment against Defendant, Kia America, Inc., in an amount greater than \$25,000.00 as compensatory damages, in addition to punitive damages, attorney fees, interest and the costs of this action.

Respectfully submitted,

/s/ Terry V. Hummel

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**DEMAND FOR JURY**

Plaintiffs respectfully request that the issues in this Complaint be tried before a jury of no less than eight (8) persons.

/s/ Terry V. Hummel

Attorneys for Plaintiffs